

U.S. Application No. 10/674,671, filed September 30, 2003
Attorney Docket No. 14827US02
Response AF dated February 19, 2008
In Response to Office Action Made Final mailed December 18, 2007

REMARKS

Claims 1-29 are pending. Claims 1-29 are rejected.

The Office Action Made Final mailed December 18, 2007 ("Office Action Made Final") contains errors noted by Applicants. It is respectfully requested that the Examiner make the corrections, if appropriate. On page 2 of the Office Action Made Final, only claims 9-16 and 18-29 are alleged to be anticipated by U.S. Patent No. 6,968,394 B1 ("El-Rafie"). However, it appears that claims 1-8 are also being alleged to be anticipated by El-Rafie. Correction is respectfully requested.

Claims 1-16 and 18-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by El-Rafie. Applicants respectfully traverse the rejection as set forth below.

Claim 1 recites, in part, "wherein the communications device can receive media content from the antenna, wherein the communications device can send the media content to the network, and wherein the communications device can receive the media content from the network".

The Office Action Made Final at page 10 states "D) In response, the examiner maintains that EL-Rafie discloses wherein the communication device (2) can receive the media content from the network (column 8, lines 33-51)".

In viewing El-Rafie at col. 8, lines 33-51, it is apparent that it is a description of FIG. 4 of El-Rafie.

It appears that the Examiner is alleging that the communications device as set forth in claim 1 allegedly corresponds to terminal device 2; and that the network as set forth in claim 1 allegedly corresponds to the cable network 33. Please confirm.

It appears that the Examiner is alleging that the terminal device 2 is receiving media content from the satellite card antenna. Please confirm.

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It appears that the Examiner is alleging that the terminal device 2 is sending media content to the cable network 33 via LAN 11. Please confirm.

However, it is not clear from El-Rafie at col. 8, lines 33-51 how the terminal device 2 is receiving media content from the cable network 33. Please explain.

Why would the cable program feeds 31 send media content to the terminal device 2? It makes more sense that the cable program feeds would send media content to the cable network 33 to the set-top box 50. Why would the cable network 33 send media content to the terminal device 2? Please explain.

The evidence provided by the Examiner, namely, El-Rafie at col. 8, lines 33-51 does not appear to describe the terminal device 2 receiving media content from either the cable program feeds 31 or the cable network 33.

While it is true that FIG. 4 illustrates a two-way path between LAN 11 of the terminal device 2 and Mux/Demux 32, El-Rafie does not describe that the path from Mux/Demux 32 to LAN 11 carries media content from Mux/Demux 32 to LAN 11.

Since El-Rafie does not describe each and every element as set forth in claim 1, El -Rafie does not anticipate claim 1.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 102(e) be withdrawn with respect to claim 1 and its rejected dependent claims (i.e., claims 2-16 and 17-22).

Claim 23 recites, in part, “receiving, by the communications device, media content from the antenna; receiving, by the communications device, the media content from the network; and sending, by the communications device, the media content to the network”.

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Applicants respectfully submit that at least the same or similar arguments as are made above with respect to claim 1 are also made with respect to claim 23. Since El-Rafie does not describe each and every element as set forth in claim 23, El -Rafie does not anticipate claim 23.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 102(e) be withdrawn with respect to claim 23 and its rejected dependent claims (i.e., claims 24-29).

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being obvious over El-Rafie in view of U.S. Patent No. 6,889,385 B1 (“Rakib”). Applicants respectfully traverse the rejection as set forth below.

Rakib does not make up for the teaching deficiencies of El-Rafie as discussed above with respect to claim 1.

For at least the above reasons, the obviousness rejection cannot be maintained as alleged.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claim 17.

Applicants do not necessarily agree or disagree with the Examiner’s characterization of the documents made of record, either alone or in combination, or the Examiner’s characterization of recited claim elements. Furthermore, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in

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condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: February 19, 2008

Respectfully submitted,

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